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CONFIDENTIAL
PATENT
Attorney Docket: P05569US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK et al.
 SERIAL NO : 09/770,564
 FILED : January 26, 2001
 TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND
 RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638
 Examiner : IBRAHIM, MEDINA AHMED
 Conf. No. : 8512
 Docket No. : P05569US2 - PHI 0875C

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
 REJECTION OVER A PRIOR PATENT**

Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Madam:

The owners, Pioneer Hi-Bred, International, Inc. and CuraGen Corporation, each of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,211,434. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is